

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:21-cr-226
)	
Plaintiff,)	
)	JUDGE PAMELA A. BARKER
-vs-)	
)	
DAVIS LU,)	<u>MOTION FOR LEAVE TO</u>
)	<u>WITHDRAW AS COUNSEL</u>
)	<u>OF RECORD</u>
Defendant.)	
)	

Now comes undersigned counsel, Ian N. Friedman and Eric C. Nemecek, of the law firm of Friedman, Nemecek, Long & Grant, L.L.C., and hereby respectfully move this Honorable Court to grant the instant Motion and permit counsel to withdraw from further representation of the Defendant, Davis Lu, in connection with the above-captioned matter. The undersigned so moves pursuant to Local Rule 57.21. Reasons for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Eric C. Nemecek

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IAN N. FRIEDMAN (0068630)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Withdraw was filed on the 1st day of April, 2025 by CM/ECF, which will send a notification of electronic filing (NEF) to Assistant United States Attorneys Brian Deckert and Daniel Riedl.

/s/ Eric C. Nemecek

ERIC C. NEMECEK

IAN N. FRIEDMAN

Counsel for Defendant

MEMORANDUM IN SUPPORT

I. LAW AND ARGUMENT

A. Counsel should be permitted to withdraw from further representation in this matter.

1. Compliance with Applicable Rules of Procedure

The Local Rules of Criminal Procedure set forth the procedure for withdrawing from further representation of a defendant. Specifically, the Rules provide that:

[t]he attorney of record may not withdraw, nor may any other attorney file an appearance as a substitute for an attorney of record, without first providing written notice to the client and all other parties and obtaining leave of Court.

See N.D. Ohio Crim. R. 57.21. As this excerpt indicates, a prerequisite to seeking leave to withdraw is providing written notice to the client and all interested parties.

Here, counsel met with Mr. Lu on March 14, 2025, and advised him that the firm would be filing a Motion¹ requesting leave to withdraw from this case due to Mr. Lu retaining other counsel to represent him in the instant proceedings. Likewise, the undersigned has notified Assistant United States Attorney Brian Deckert that the law firm will be petitioning the Court for leave to withdraw. Thus, counsel has satisfied the requirements set forth in N.D. Ohio Crim. R. 57.21.

2. Good Cause Exists for Withdrawal

As noted *supra*, Mr. Lu has informed the undersigned of his decision to retain Attorney Peter Zeidenberg to represent him in this proceeding. Attorney Zeidenberg

¹ A copy of the instant Motion has also been mailed to Mr. Lu.

has filed a Motion for Admission Pro Hac Vice, which this Honorable Court granted on March 24, 2025. Accordingly, withdrawal is both required and appropriate at this juncture. *See* Ohio Prof. Cond.R. 1.16(a)(3) (noting that withdrawal is required where counsel has been discharged).

WHEREFORE, undersigned counsel, Ian N. Friedman and Eric C. Nemecek, of the law firm of Friedman, Nemecek, Long & Grant, L.L.C., hereby respectfully move this Honorable Court to grant the instant Motion for Leave and permit counsel to withdraw from further representation of Mr. Lu.

Respectfully submitted,

/s/ Eric C. Nemecek

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